

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

UNITED STATES OF AMERICA,

Plaintiff,

v.

0.1785 ACRES OF LAND, MORE OR
LESS, SITUATE IN CHESAPEAKE,
VIRGINIA, AND MSF INVESTORS II,
LLC, ET AL.,

Defendants.

Civil No. 2:24-cv-23

COMPLAINT IN CONDEMNATION

1. This is a civil action brought by the United States of America, at the request of the United States Department of the Army (“Army”), for the taking of land in Chesapeake, Virginia, under its power of eminent domain and through a Declaration of Taking pursuant to 40 U.S.C. § 3114, and for the determination and award of just compensation to the owners and parties in interest.

2. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1358. The Court has venue under 28 U.S.C. § 1403.

3. The authority for the acquisition is set forth in Schedule A, which is attached hereto and made a part hereof.

4. The public purpose for which the land is taken is set forth in Schedule B, which is attached hereto and made a part hereof.

5. A legal description of the land taken is set forth in Schedule C, which is attached hereto and made a part hereof.

6. A plat (map) showing the land taken is set forth in Schedule D, which is attached hereto and made a part hereof.

7. The estate taken in the land is described in Schedule E, which is attached hereto and made a part hereof.

8. The estimate of just compensation is stated in Schedule F, which is attached hereto and made a part hereof.

9. The names and addresses of known parties having or claiming an interest in said land are set forth in Schedule G, which is attached hereto and made a part hereof.

WHEREFORE, Plaintiff United States of America requests judgment that the property and interests be condemned, that just compensation for the taking be ascertained and awarded, and the Court award such other relief as may be lawful and proper.

DATED: January 11, 2024

Respectfully submitted,

TODD KIM
ASSISTANT ATTORNEY GENERAL
ENVIRONMENT AND NATURAL RESOURCES
DIVISION

JESSICA D. ABER
UNITED STATES ATTORNEY

By: /s/ Clare P. Wuerker
CLARE P. WUERKER
VA Bar No. 79236
Assistant United States Attorney
2100 Jamieson Ave.
Alexandria, VA 22314-5702
Tel: (703) 236-3850
Fax: (703) 299-3983
E-mail: clare.wuerker@usdoj.gov

SCOTT W. STEMETZKI
Va. Bar No. 86246 (Associate member)
Washington, DC Bar No. 1030512
JOSEPH A. FIGUEROA
Va. Bar No. 87517 (Associate member)
Washington, DC Bar No. 1500237
Land Acquisition Section
Environment and Natural Resources Division
P.O. Box 7611
Ben Franklin Station
Washington, DC 20002
Tel: (202) 598-9735
Fax: (202) 514-8865
E-mail: Scott.Stemetzki@usdoj.gov
Joseph.Figueroa@usdoj.gov

Attorneys for Plaintiff United States of America